HPK/2012 / 0026

13 JAN 2012

Astor Property Group

Glossop Road, Gamesley

Arboricultural Assessment

9th August 2011

FPCR Environment and Design Ltd
Registered Office: Lockington Hall, Lockington, Derby DE74 2RH
Company No. 07128076. [T] 01509 672772 [F] 01509 674565 [E] mail@fpcr.co.uk [W] www.fpcr.co.uk

This report is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the written consent of FPCR Environment and Design Ltd. Ordnance Survey material is used with permission of The Controller of HMSO, Crown copyright 100018896.

Rev	Issue Status	Prepared / Date	Approved/Date
-	Draft 1	NJG / 18.07.11	HCK / 21.07.11
-	Final	NJG / 09.08.11	NJG / 09.08.11

CONTENTS

1.0 INTRODUCTION 2

2.0 METHODOLOGY 3

3.0 RESULTS 7

4.0 DISCUSSION AND RECOMMENDATIONS 8

5.0 GENERAL TREE PROTECTION MEASURES 12

TABLES

Table 1: Formula taken from 'Table 2: Calculating the RPA' , BS5837 (2005)

PHOTOGRAPHS

Photograph 1: T2, situated within fence line

FIGURES

Figure 1: Site Location

Figure 2: Tree Location Quality and Constraints Plan

Figure 3: Protective Fencing Specifications

APPENDICES

Appendix A: Tree Schedule

Appendix B: Copy of Tree Preservation Order

1.0 INTRODUCTION

1.1 This report has been prepared by FPCR Environment and Design Limited on behalf of BNP Paribas, Astor Property Group to present the findings of a survey of mature trees at Glossop Road, Gamesley (hereafter referred to as 'the site'). The site is centered on the Ordnance Survey Grid Reference SK 012 941 and is shown as Figure 1. The survey was carried out on the 13th May 2011.

1.2 The purpose of the report is to present an assessment of the arboricultural value of the trees based on their current quality in accordance with *BS 5837 Trees in Relation to Construction (2005) – Recommendations,* to support a planning application. The survey has focused on the major trees present that may be directly affected by the proposals.

1.3 Trees, tree groups and woodlands have been considered following evaluation into one of four categories (R, A, B & C) based on tree quality as outlined in *British Standard 5837 (2005).* The categorisation of trees gives an indication of the trees importance in relation to the site and the local landscape and their current arboricultural quality. This allows for informed decisions to be made concerning which trees could be removed or retained in the context of any development proposals. For a tree to qualify under any given category it should fall within the scope of that category's definition. In addition to the categories A, B & C which collectively deal with any trees that would be material considerations in the development process, three sub-categories are applied which reflect arboricultural, landscape and cultural values respectively. Category R trees are those specimens which on arboricultural grounds, due to their poor physiological or structural condition, would be lost in the short-term and therefore would not usually considered in the planning process.

1.4 The site comprised of a derelict warehouse and fenced compound with an area of grassland all of which was accessed from Glossop Road by a track adjacent to private residencies. Following the assessment it was found that the trees were mainly situated around the boundaries of the site and the perimeter fence of the compound. Within the compound the trees were on the whole early mature specimens planted at the time of the construction of the warehouse. The remaining trees within the assessment were located around the boundary of the site.

1.5 Following Consultation with Derbyshire County Council and High Peak Borough Council it is understood that there is a Tree Preservation Order, entitled 'No.93 Trees at Glossop Road, Gamesley', which applies to two trees present on the eastern boundary of the site. Statutory constraints therefore apply to the development in respect of trees. A copy of the order has been included within the report as Appendix B and further details are given in paragraphs 4.14 and 4.15.

1.6 The report comprises of the following: Chapter 2 describes the methodology to which the tree assessment has been undertaken. Chapter 3 presents a written description of the results of the data collected discussing any particular trees of note, thereby providing a guide to establishing any specimens that are worthy of retention. Chapter 4 evaluates the findings in respect of the proposals and provides the principal recommendations for tree protection measures to be considered in terms of 'tree friendly' construction techniques.

Chapter 5 presents an indication of the tree protection measures to be required from a general viewpoint, however it must be understood that any specific tree protection requirements should be separately considered where needs arise. Appendix A presents a summary table of the tree survey data as collected from a site visit.

2.0 METHODOLOGY

2.1 Trees have been broadly assessed based on guidance set out within the *British Standard BS 5837: (2005) Trees in Relation to Construction – Recommendations.* This standard provides recommendations and guidance on the principles to be applied to achieve successful integration of development with trees, shrubs and hedgerows. Where development (including demolition) is to occur, the standard provides guidance on the approach needed to decide which trees are appropriate for retention, on the means for protecting these trees during the development (including demolition and construction work) and on the means of incorporating trees into the developed landscape.

2.2 Trees have been divided into one of four categories (based on the cascade chart for tree quality assessment within the British Standard). These are classed as A, B, C & R (Section 4.3 of BS 5837). This gives an indication as to the tree's importance in relation to the site and the local landscape and, also, the value and quality of the existing trees on site. This assists informal decisions concerning which trees should be removed or retained should development occur. For a tree to qualify under any given category it should fall within the scope of that category's definition (see below). Categories A, B & C cover trees that should be a material consideration in the development process, each with three further sub-categories (i, ii, iii) which are intended to reflect arboricultural, landscape and cultural (nature conservation) values. Category R trees are those which would be lost in the short term for reasons connected with their physiology or structural condition. They are for this reason not considered in the planning process. In assigning trees to the A, B or C categories the presence of any serious disease or tree – related hazards are taken into account. If the disease is considered fatal and / or irremediable, or likely to require sanitation for the protection of other trees it may be categorised as R, even if they are otherwise of considerable value.

2.3 Category (A) – (Light Green): are trees whose retention is most desirable and are of high quality and value. These trees are considered to be in such a condition as to be able to make a lasting contribution (a minimum of 40 years) and may comprise:

- (i) Trees which are particularly good examples of their species especially rare or unusual, or essential components of groups or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue);
- (ii) Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups);
- (iii) Trees or groups or woodlands of significant conservation, historical, commemorative or other value (eg. Veteran or wood-pasture trees).

2.4 Category (B) – (Blue): are trees whose retention is considered desirable and are of moderate quality and value. These trees are considered to be in such a condition as to make a significant contribution (a minimum of 20 years) and may comprise:

- (i) Trees that might be included in the high category but because of their numbers or slightly impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage), are downgraded in favour of the best individuals;
- (ii) Trees present in numbers such that they form distinct landscape features and attract a higher collective rating than they would as individuals. Individually these trees are not essential components of formal or semi-formal arboricultural features, or trees situated mainly internally to the site and have little visual impact beyond the site;
- (iii) Trees with clearly identifiable conservation or other cultural benefits.

2.5 Category (C) – (Grey): are trees that could be retained and are considered to be of low quality and value. These trees are in an adequate condition to remain until new planting could be established (a minimum of ten years) or are young trees with a stem diameter below 50mm and may comprise:

- (i) Trees not qualifying in higher categories;
- (ii) Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value and or trees offering low or only temporary screening benefit;
- (iii) Trees with very limited conservation or other cultural benefits.

2.6 Category (R) – (Dark Red): Trees for removal are those trees in such a condition that any existing value would be lost within 10 years and which should in the current context be removed for reasons of sound arboricultural management. Trees within this category are:

- (i) Trees that have a serious irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category R trees;
- (ii) Trees that are dead or are showing signs of significant, immediate or irreversible overall decline;
- (iii) Trees infected with pathogens of significance to the health and or/safety of other trees nearby trees or very low quality trees suppressing adjacent trees of better quality.

2.7 In the tree schedule (Appendix A) species has been recorded in both common and Latin names. Tree height has been estimated in metres and stem diameter measured at 1.5 metres above ground level (recorded in millimetres). Crown spread has been measured in metres and given as a radial spread from the stem. Crown spreads have been measured to the point of greatest spread in most cases unless a crown is clearly asymmentric, in which case measurements have been recorded as radial distance from the stem in one or more of the corresponding compass points, N, S, E or W.

2.8 In the assessment particular consideration has been given to the following when considering the appropriate British Standard Category and Sub-Category allocation:

- The health, vigour and condition of each tree;

- The presence of any structural defects in each tree and its remaining contribution in years (i.e. future life expectancy);
- The size and form of each tree and its suitability within the context of a proposed development for residential land use;
- The location of each tree relative to existing site features, e.g. its value as a screen or as a skyline feature.

2.9 Age class is assessed according to the age class categories referred to in BS 5837.

- YNG: Young trees up to five years of age.
- SM: Semi-mature, trees less than 1/3 life expectancy.
- EM: Early mature, trees 1/3 – 2/3 life expectancy.
- M: Mature trees over 2/3 life expectancy.
- OM: Over mature – declining or moribund trees of low vigor.
- V: Veteran status – where a tree possesses certain attributes relating to veteran trees.

2.10 The overall condition of the tree, or group of trees, has been referred to as one of the following. A summary has been noted in the Tree Schedule and discussed in the Report.

- G Good: A sound tree/trees needing little if any attention.
- F Fair: A tree/trees with minor but rectifiable defects or in the early stages of stress, from which it may recover.
- P Poor: A tree/trees with major structural and physiological defects or stressed such that it would be very expensive and inappropriate to retain.
- D Dead: A tree/trees no longer alive. However, this could also apply to those trees that are dying and will be unlikely to recover, or have become dangerous.

2.11 Major defects or diseases and relevant observations have also been recorded under Structural Condition. The assessment for structural condition has included inspection of the following defects:

- The presence of fungal fruiting bodies around the base of the tree or on the stem, as they could possibly indicate the presence of possible internal decay.
- Soil cracks and any heaving of the soil around the base
- Any abrupt bends in branches and limbs resulting from past pruning,
- Tight or weak 'V' shaped forks and co-dominant stems
- Hazard beam formations and other such biomechanical related defects (as described by Claus Mattheck, Body Language of Trees HMSO Research for Amenity Trees No. 4 1994)
- Cavities as a result of limb losses or past pruning
- Broken branches
- Storm damage
- Canker formations

- Loose bark
- Damage to roots
- Basal, stem or branch / limb cavities
- Crown die-back
- Abnormal foliage size and colour
- Any changes to the timing of normal leaf flush and leaf fall patterns
- Other pathological diseases affecting any part of the tree

2.12 Major defects or diseases and relevant observations have also been recorded. Dead wood has been defined as the following:

- Twigs and small branch material — Up to 5cm in diameter
- Minor dead wood — 5cm to 10cm in diameter
- Major dead wood — 10cm in diameter and above

Conditions of Tree Survey

2.13 The survey was completed from ground level only and from within the boundary of the site. Aerial inspection of trees was not undertaken at this stage. Investigations as to the internal condition of a tree have not been undertaken, being also beyond the immediate scope of this assessment. Evaluation of tree condition given within this assessment applies to the date of survey and cannot be assumed to remain unchanged. It may be necessary to review these within 12 months, in accordance with sound arboricultural practice.

Site Plans & Tree schedules

2.14 The individual positions of trees and groups of trees recorded in the Tree Assessment Report have been shown on the Tree Location, Quality and Constraints Plan, Figure 2 (Drawing no. 4715-A-03). The tree quality element shows the relevant *BS 5837 (2005)* categories for retention considered for each tree and groups of trees. The positions of trees are based on a topographical / land survey supplied by the client in a dwg. format for the purpose of plotting the trees and Root Protection Areas (RPA) accurately. The RPA to be required by the individual and groups of trees are indicated by the Tree Constraints element of the above plan.

Tree Constraints and Root Protection Area (RPA)

2.15 Below ground constraints to future development is represented by the area surrounding the tree that contains sufficient rooting volume to ensure survival of the tree, which need protecting in order for the tree to be incorporated into any future scheme, without adverse harm to the tree or structural integrity of buildings. This is referred to as the RPA and is shown as a circle of a given radius, calculated using the formula below. The circle may be modified in shape to maintain a similar total area depending on the presence of surrounding obstacles. Where groups of trees have been assessed, the RPA has been shown based on the maximum sized tree in any one group and so would exceed the RPA required for many of the individual specimens within the group.

A RPA is equivalent to a circle with a radius 12x the stem diameter for single stem trees and 10x the basal diameter for trees with more than one stem arising less than 1.5 metres above ground level.

Table 1: Formula taken from 'Table 2: Calculating the RPA' , BS5837 (2005)

RPA (m^2) = (stem diameter (mm) x 12 / 1000) ^{2} x 3.142
This figure should be capped to 707m^2, equivalent to a circle with a radius of 15m, or a square with approximately 26m sides

3.0 RESULTS

3.1 A total of eighteen individual trees and four groups of trees were surveyed across the site as part of the arboricultural assessment.

3.2 Details of the individual trees and groups of trees including heights, diameter of the stem at breast height (measured at 1.5m above ground level), crown spread (measured radially from the stem), overall age class, overall condition at the time of inspection, British Standard category of quality and suitability for retention and the root protection distances have been tabulated in Appendix A. The British Standard element to the assessment derives from the values assigned principally from the individual trees current condition and its contribution in terms of arboricultural quality, landscape value i.e. as being features within the local landscape and their ecological value. Sub-categories (i), (ii) or (iii), in accordance with *British Standard 5837 (2005) Trees in Relation to Construction* have been applied in each assessment of category A, B and C trees to reflect the arboricultural, landscape and cultural values respectively.

Individual Trees

3.3 The following young/early mature trees of mixed species were self set specimens; T4, T5, T5a and T16 – T18. Many of the trees exhibited a small number of past pruning wounds and branch stubs on the lower branches however overall due to their young age few other defects were noted. The above trees were considered as being retention category C as being so young would mean their loss, if required could be regained within a relatively short timeframe..

3.4 Two mature hedgerow ash *Fraxinus excelsior*, namely T2 and T3, were found to display similar defects such as broken branches and minor dead wood. T2 was situated within the perimeter fence line of the warehouse with fence posts adjacent to either side of the main stem. Both trees had developed evenly balanced crowns and as such were considered retention category B.

3.5 Four mature sycamore *Acer pseudoplatanus*, namely T6 – T9, were situated on the eastern boundary adjacent to private residencies. T6 and T7, the closest trees to the houses, had been crown lifted in the past and therefore numerous pruning wounds and branch stubs were evident. For their prominence and overall good condition, these specimens were therefore considered retention category B. T8 and T9 displayed even crown forms and appeared in better condition overall. T8 however displayed an occasional branch stub and some minor dead wood within the crown and was therefore considered retention category B.

T9 displayed no obvious defects within the crown and only a few minor basal suckers. As a result it was considered retention category A for its high arboricultural value.

3.6 Six of the individual trees assessed were offsite, namely T10 – T15, and with the exception of T12 were ash or oak *Quercus robur*. The few defects that were observed were typical for trees in this environment and included past pruning wounds, broken branches and branch stubs on the boundary line. T10 appeared to have re-grown from a stump where an attempt to remove the tree had failed. T11 and T12 had been "topped" / reduced on numerous occasions which had resulted in a dense crown and overall poor physical form. T10 – T12 were considered retention category C and T13 – T15 due to being in better overall condition with fewer defects were considered retention category B.

Groups of Trees

3.7 TG1 and TG2 were positioned within the warehouse compound and could be described as planting dating to its construction. The groups were dominated by silver birch *Betula pendula* but a number of other species were present within the two groups. Both groups displayed similar defects such as wounds from past pruning works, branch stubs and minor dead wood. Crowns were interlocking and dense throughout with planted and self-set shrubs growing at the base of the trees. TG1 and TG2 were both considered retention category B due to their limited minor defects.

3.8 TG3 was also situated within the warehouse compound but was composed of self-set individuals which appear to have seen some past management in the form of coppicing. Silver birch and goat willow *Salix caprea* were the dominant species however many saplings of ash and oak were present. The birches were on the whole tall and drawn in form while the goat willow was low and spreading, a typical form / habit for the species. TG3 was considered retention category C due to the immaturity of the material.

3.9 TG4 formed a hedgerow which was situated just outside the site boundary within private gardens. The hedgerow comprised of lawson cypress *Chamaecyparis lawsoniana* and one holly *Ilex aquifolium* the crowns of which were densely interlocking. Lower branches overhanging the site had been removed back to the main stem. The group was considered retention category C due to its low arboricultural quality and low amenity value.

4.0 DISCUSSION AND RECOMMENDATIONS

4.1 The following section presents a summary of the tree survey in terms of the collective results and offers discussion of particular trees and groups recorded in the context of any proposed development in the form of an Arboricultural Implications Assessment.

Results Summary

4.2 Following the assessment it is clear that the trees had seen little formal management with only some targeted crown lifting evident around the eastern boundary. The tree groups planted around the warehouse, TG1 and TG2, provide some amenity value as screening between the adjacent residential area and the existing warehouse. It should be noted however that the amenity value is relevant only to the existing site use and the future development of the site for

any use may require changes to the site frontage. The trees on site were evenly split between those of moderate / high quality and those of low quality. On the whole the lower quality material was younger, as yet un-established or private garden trees.

Category R - Remove

4.3 There were no trees found to be category R (remove) i.e. being those that displayed a poor structural condition or to have less than ten years safe future contribution.

Retention Category C – Low Quality and Value

4.4 Following the assessment nine of the individual trees and two groups were considered as retention category C (low quality and value), namely T1, T4, T5, T5a, T10 – T12, T16 – T18, TG3 and TG4. In accordance with the *British Standard,* category C specimens are those that would be considered as having a limited contribution in terms of their future visual amenity, 10 – 20 years, due to either their current age or the number and types of defects present. Most of the category C trees present within the assessment were considered as having a low future amenity value and would only be contributing in the short term to the proposed development.

4.5 It would therefore generally be encouraged that the category C specimens be removed where they would otherwise cause an undue hindrance to the proposed design. The self-set saplings of ash and oak within TG3 should be re-located prior to demolition of the warehouse. If possible they should be replanted in their final position which should then also be protected from accidental damage during the development.

Retention Category B – Moderate Quality and Value

4.6 Following the assessment nine of the individual trees and two groups were considered as retention category B (moderate quality), namely T2, T3, T6 – T8, T13 – T15, TG1 and TG2. In accordance with the *British Standard,* category B specimens are those considered to have overall higher quality than those of category C due to their good condition and a greater remaining life expectancy. it would be concluded that trees assigned category B status demonstrate potential to contribute for a minimum of 20 years to the future amenity value of the site and therefore the retention of such specimens in the proposals would be highly desirable.

Retention Category A – High Quality and Value

4.7 One specimen was considered to be of high enough arboricultural quality for allocation as retention category A. T9, sycamore, presented an even and balanced crown with no obvious defects. The specimen was situated within the boundary hedgerow away from the private residencies and as such had not been pruned or damaged in any way. It was felt that T9, if allowed to develop well, would provide a high level of amenity value as it reaches maturity.

COMMENTS IN RESPECT OF THE DEVELOPMENT PROPOSALS

4.8 The Proposed Site Layout, (Indicative) (BNP Paribas Real Estate drawing no. 110570-Pri-001revC, 01.06.11) provided at the time of writing for the purposes of this assessment shows the layout of a medium scale residential development.

The proposals seek to demolish the existing industrial unit on the site and provide a mix of residential properties. The following paragraphs discuss the arboricultural implications of the proposals.

4.9 In order to facilitate the proposals it will be necessary to remove three individuals and three tree groups, namely T1, T2, T18, TG1, TG2 and TG3. All of the specimens are situated in close proximity to the existing industrial unit and the earthworks which surround it and can therefore not be retained during the demolition and re-grading of the site.

4.10 All other trees assessed, a total of fifteen individual trees and one group, are to be retained and can be successfully protected throughout the works due to their location within the proposed layout. Ample provision has been made for gardens for the new properties which provide adequate space for the required protective fencing around the retained trees. Any alterations to soil levels across the site will have to be kept outside the protective fencing which will be installed around the calculated root protection areas.

4.11 The trees required for removal, detailed above, were either young or early mature with the exception of T2. They appeared to have been planted around the time the existing industrial unit was built and as such the planting had the sole purpose of providing screening. Since this building is to be demolished and the site use is to change, it would not be considered appropriate or indeed necessary to attempt to design a scheme around these trees. From an arboricultural perspective, support would be given to their loss in favour of new tree planting suited to the new site useage.

4.12 In the process of re-developing the site it will be necessary to re-grade the existing ground levels which would simply not be possible were the trees listed for removal to be retained. T2, being a mature specimen would be argued as providing slightly more visual amenity by virtue of its greater overall dimensions and thus result in a significant loss of tree cover when compared to the other trees, however this tree had suffered a degree of disturbance to its physical condition when the perimeter fence was erected around the existing building. In addition, a concrete fence post had been installed on either side of the main stem and in doing so the roots are highly likely to have been damaged. This was indicated by the swelling at the base of tree and basal suckering.

4.13 On balance, and from an arboricultural perspective it is considered that the loss of T1, T2, T18 and TG1 – TG3 will not have a significantly detrimental impact on the landscape of the local area and their losses should not constrain an otherwise acceptable layout in terms of tree retention / losses. It is also proposed that good quality suitable replacement tree planting, subject to agreement, be planted in focal areas within the site thereby improving the tree cover as a whole. The new planting should be planted specifically to provide amenity value as street trees which will be of far greater visual benefit than the current quality of those trees being lost.

Tree Preservation Orders

4.14 A Tree Preservation Order (TPO), entitled No.93 Trees at Glossop Road, Gamesley, includes two trees which fall within the site boundary. The order details two sycamore which are situated on the eastern boundary of the site. The trees covered by the TPO are understood to be T6 and T7. Both these trees are to be retained as part of the development.

4.15 The trees covered within the TPO are protected by law from felling or uprooting, pruning including 'topping/lopping' and wilful damage or destruction. Statutory restrictions therefore apply to any wilful damage or destruction including carrying out any works to the trees within the site. Prior to carrying out any works, except in the case of dead, dying or dangerous trees, contact should be made with the local authority to apply for permission. If planning permission is granted it will be on the understanding that all other trees than those shown as retained are required for removal and as such statutory restrictions would not apply to their removal.

Mitigation for Tree Losses

4.16 New tree planting is an integral part of any new development and will be designed to support the future site use and improve and enhance the local tree population. As part of the development proposals a supporting landscaping scheme will be commissioned to provide mitigation for the loss of trees and will include new amenity trees within the verges of the proposed infrastructure as well as more extensive areas of planting where around the open space and childrens play areas.

4.17 The ash and oak saplings within TG3 as well as T1 and T18 could be moved and replanted in their final position before demolition of the existing industrial unit. This will provide good quality trees which are already adjusted to the soil and weather conditions present at the site. On the whole these specimens presented good forms with very few defects and should therefore be suitable for translocation to the areas of open space within the proposed development.

4.18 Any future landscaping scheme should consider a planting scheme which includes both native species (for their low maintenance requirements and nature conservation value) and ornamental species (for their contribution to urban design and amenity value), should be planted in the proposed landscape areas and include species selected on the basis of their suitability for the final site use. This should include consideration of ultimate size, canopy spread, height, blossom, autumn leaf colour, etc. Species should be selected to be suitable to the new environment, therefore focusing on species that are considered suitable for medium sized development and restricted spaces i.e. small to medium sized species.

Tree Surgery

4.19 All retained trees should be subjected to sound arboricultural management by means of the following where appropriate: Inspections annually and following major storms by an experienced arborist or tree surgeon to identify any potential public health and safety risks and to agree remedial works as required, Tree surgery including operations such as removal of dead wood for reasons of safety; crown lifting works for access and improvement of overall visual appearance; possible crown reduction works, pollarding, crown thinning and crown balancing works; tree felling; and climbing inspections. It may be required for reasons of safety that certain defects are further investigated to establish the true conditions. All tree surgery should comply with *BS 3998 'Tree Work – Recommendations' (2010).*

4.20 The trees subject to this report were inspected from the ground only and therefore where any tree surgery is undertaken a thorough climbing inspection should be undertaken at the same time to determine the precise condition of the crown.

Any cavities or areas of decay should be described with reference to its dimensions on the surface, its depth and an estimate of the proportion of the cross-sectional area of the limb / branch or trunk affected and an assessment of the success of compartmentalisation. It is further recommended that no action be taken on the strength of such a report until it has been seen and endorsed by a suitably qualified person. A decision could then be made on the most appropriate course of treatment.

4.21 Depending upon the results of such an inspection it may require the allocation given to the tree / trees in respect of suitability for retention within new development, in accordance with BS 5837 (2005) 'Trees in Relation to Construction – Recommendations' to be revised. All tree works undertaken should be carried out by skilled tree surgeons, and it is therefore recommended that quotations for such work be obtained from Arboricultural Association Approved Contractors only, as this is the recognised authority for certification of tree work contractors

4.22 All vegetation and, particularly, woody vegetation proposed for clearance should be removed outside of the bird-breeding season (April – August inclusive) as all birds are protected under the Wildlife and Countryside Act, 1981 (as amended) whilst on the nest. Where this is not possible, vegetation should be checked for the presence of nesting birds prior to removal by an experienced ecologist.

General Design Principles

4.23 It will be important to consider the eventual positioning of any utility services that may be required to supply the proposed development, prior to any installation. Consideration may also need to be given to the potential for tree roots of newly planted material to affect / compromise any future services. Services, where possible, should not encroach upon root protection areas of retained trees. If below-ground services are proposed within or close to RPAs modifications to the alignment of service routes may be necessary to retain the full extent of an RPA in order to minimise adverse effects of the development on the trees health. If services are required within the RPA, the extent of this encroachment should be re-assessed at the time and appropriate mitigation taken to ensure the safe incorporation of the trees without potential damage to services from tree roots. For example, further specialist engineering techniques such as 'trenchless technology' i.e. moling, can be employed to avoid root damage.

5.0 GENERAL TREE PROTECTION MEASURES

5.1 Retained trees will be adequately protected during works. Measures to protect these should follow the best practice principles set out in *BS 5837: 'Trees in Relation to Construction – Recommendations' (2005)*. These have been broadly summarised below.

General Information and Recommendations

5.2 All trees retained on site will be protected by barriers or ground protection around the calculated Root Protection Area (RPA) and as indicated on any Tree Constraints Plan (TCP) that may be produced in association with the assessment (Clauses 5 and 7 of *BS 5837*).

5.3 Fencing will be erected prior to commencement of construction and before demolition including erection of any temporary structures. Once set up, fences should not be removed or altered without prior consultation with the arboricultural advisor.

5.4 Arrangements should be made for an arboriculturalist to supervise works and tree protection where trees are particularly vulnerable or sited close to access points.

5.5 Pre-development works may be undertaken prior to the installation of fencing with the agreement of the local planning authority.

5.6 Any trees that are not retained should be felled prior to the erection of protective fencing. Particular attention needs to be given by approved contractors to minimise damage or disturbance to retained specimens (good industry practice procedures should be followed at all times).

5.7 All tree works should follow best practice procedures as set out in BS 3998: 'Tree Work – Recommendations' (2010). All trees should be maintained in good condition on site and be regularly inspected annually (where overall condition requires) or every 2 years and after any major storm events, with safety a priority.

Barriers

5.8 Fencing should be strong and suitable for the location, type and proximity of construction activity. Barriers must remain rigid and complete.

5.9 In most situations fencing should comprise a scaffold framework comprising a vertical and horizontal framework. For particular areas where construction activity is anticipated to be intense higher fencing may be necessary. Typical fencing specifications are illustrated in Figure 3.

5.10 It may be appropriate on some sites to use temporary site offices as components of the protection barriers.

Ground Protection

5.11 Where it has been agreed, construction access may take place within the RPA if suitable ground protection measures are in place. This may comprise single scaffold boards over a compressible layer laid onto geo-textile materials for pedestrian movements. Vehicular movements over the RPA will require the calculation of expected loading and may require the use of proprietary protection systems.

Protection outside the exclusion zone

5.12 Once the areas around trees have been protected by the fencing, any works on the remaining site area may be commenced providing activities do not impinge on protected areas. Notices should be placed on fencing to indicate that operations are not permitted within the fenced area.

5.13 Wide or tall loads etc should not come into contact with retained trees. Banksman should supervise transit of vehicles, jibs, booms etc where this is in close proximity to retained trees.

5.14 Oil, bitumen, cement or other material that is potentially injurious to trees should not be stacked or discharged within 10m of a tree bole. No concrete mixing should be done within 10m of a tree. Allowance should be made for the slope of ground to prevent materials running towards the tree.

5.15 No fires will be lit where flames are anticipated to extend to within 5m of tree foliage, branches or trunk, taking into consideration wind direction and size of fire.

5.16 Notice boards, telephone cables or other services should not be attached to any part of a retained tree.

5.17 Any trees which need to be felled adjacent to or are present within a continuous canopy of retained trees must be removed with due care (it may be necessary to remove such trees in sections).

Protection of Trees Close to the Site

5.18 All trees located outside the boundaries of the assessment site yet within close proximity to works should be adequately protected during the course of the development by barriers or ground protection around the calculated RPA. The following section describes tree protection measures in further detail. Any trees which are to be retained and whose RPAs may be affected by the development should be monitored to identify any alterations in quality with time and to assess and undertake any remedial works required as a result.

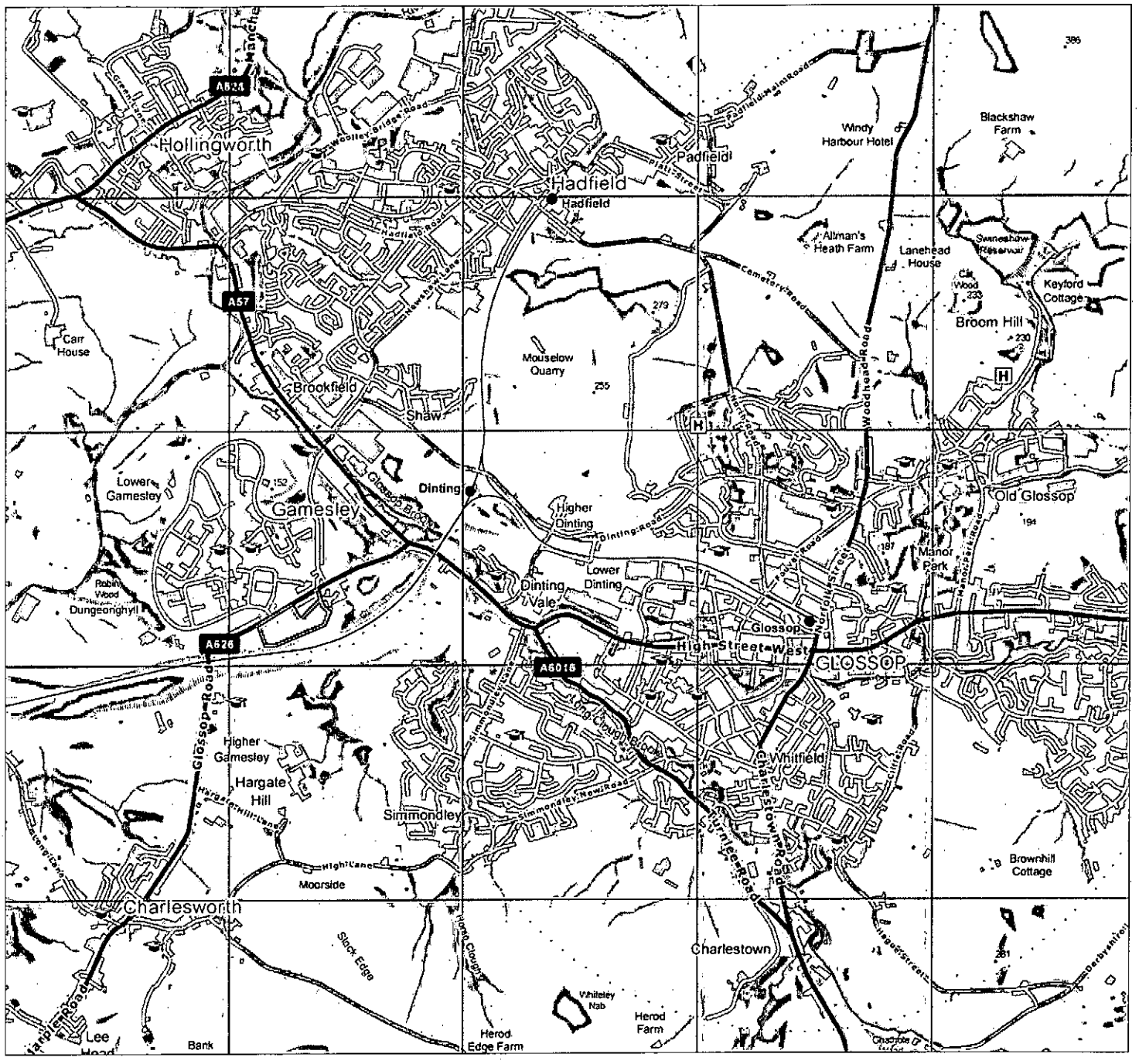
Protection for Aerial Parts of Retained Trees

5.19 Where it is deemed necessary to operate a wide or tall load, plant bearing booms, jibs and counterweights or other such equipment, as part of construction works, and such equipment would have potential to cause injurious contact with crown material i.e. low branches and limbs, of retained trees within the RPA fencing, it is best advised that appropriate, but limited tree surgery, be carried out beforehand to remove any obvious problem branches. This is classed as 'Facilitation Pruning', *BS 5837: 'Trees in Relation to Construction – Recommendations' (2005)* paragraph 9.4.2 and 11.2.1. Any such pruning should be undertaken in accordance with a specification prepared by an arboriculturalist.

5.20 It is strongly advised that a Pre-Commencement Site Meeting is held with contractors who are responsible for operating machinery, as described above, to firstly highlight the potential for damage occurring to tree crowns and to ensure that extra care is applied when manoeuvring machinery during such operations within close proximity to retained trees to avoid any contact.

5.21 In the event of having caused any such branch or limb damage to retained trees it is strongly recommended that suitable tree surgery be carried out, in accordance with *BS 3998: 'Tree Work – Recommendations' (2010)*, to correct the damage, upon completion of development.

5.22 All of the above precautionary measures should be applied to minimise the effect of any damage to long-term tree health and safety.



Assessment Boundary

Astor Property Group

Land off Glossop Road
Gamesley, Derbyshire

SITE LOCATION PLAN

1:25000 @ A4 NJG 09.08.2011

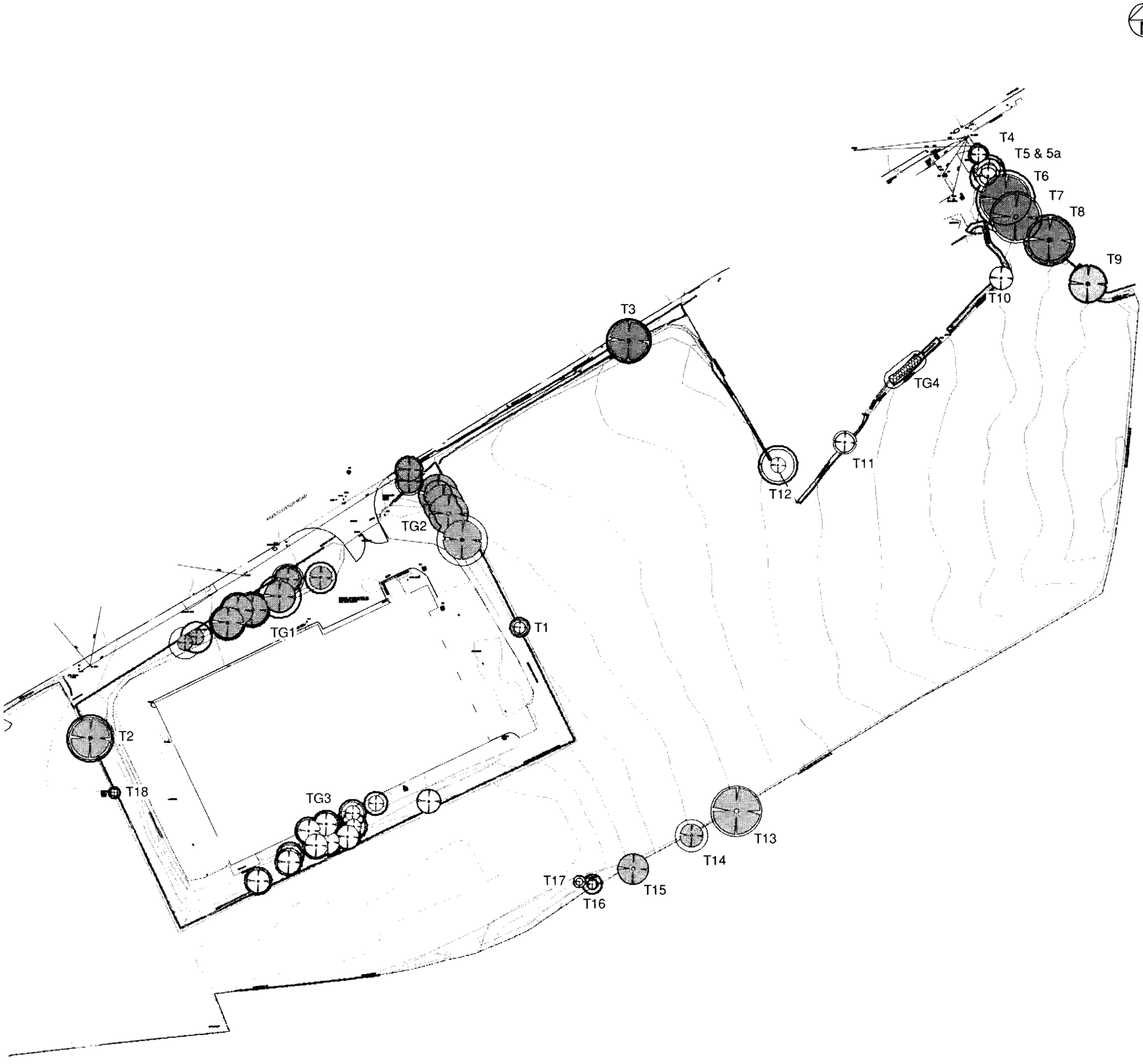
Figure 1 4715-A-02

This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd.

Ordnance Survey material is used with the permission of The Controller of HMSO, Crown copyright 100018896.

J:\4700\4715\Arboriculture\Site Location Plan-Figure 1.cdr

FPCR Environment and Design Ltd, Lockington Hall, Lockington, Derby, DE74 2RH ▪ t: 01509 672772 ▪ f: 01509 674565 ▪ e: mail@fpcr.co.uk ▪ w: www.fpcr.co.uk ▪
masterplanning ▪ environmental assessment ▪ landscape design ▪ urban design ▪ ecology ▪ architecture ▪ arboriculture ▪



NOTES

All dimensions to be verified on site. Do not scale this drawing. All discrepancies to be clarified with project Arboriculturalist.

This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthonsed person, either wholly or in part without written consent of FPCR Environment and Design Ltd.

Ordnance Survey material is used with the permission of The Controller of HMSO, Crown copyright 100 018896.

KEY

- Retention Category A - High (BS 5837:2005)
- Retention Category B - Moderate (BS 5837:2005)
- Retention Category C - Low (BS 5837:2005)
- Category R - Remove (BS 5837:2005)
- Root Protection Area (Calculated according to BS 5837:2005 formula)
- T1 / TG1 — Tree Number / Tree Group Number

CAVEAT

1. Drawing for PLANNING.
2. Drawing to be read in conjunction with Arboricultural Assessment and Appendix A - Tree Schedule.
3. Drawing based on digital information supplied by the client in dwg format. The exact position of trees are to be checked and verified on site prior to construction.
4. Trees are living organisms that change over time, the condition of all trees illustrated herein, are to be checked and verified by a qualified arboriculturalist or tree surgeon should works commence 12 months after the time of this survey.
5. Please note that no works should be undertaken to any trees illustrated herein without first obtaining the proper authorisation to do so.

rev	date	description	by
-	18.07.11	Draft	NJG
-	09.08.11	Final	NJG

masterplanning
environmental assessment
landscape design
urban design
ecology
architecture
arboriculture
FPCR Environment and Design Ltd
Lockington Hall
Lockington
Derby DE74 2RH
t 01509 672772
f 01509 674565
e mail@fpcr.co.uk
w www.fpcr.co.uk

client
Astor Property Group

project
Land off Glossop Road
Gamesley, Derbyshire

drawing title
TREE LOCATION, QUALITY AND CONSTRAINTS PLAN - FIGURE 2

scale	drawn	date
1:1000 @ A3	NJG	August 2011

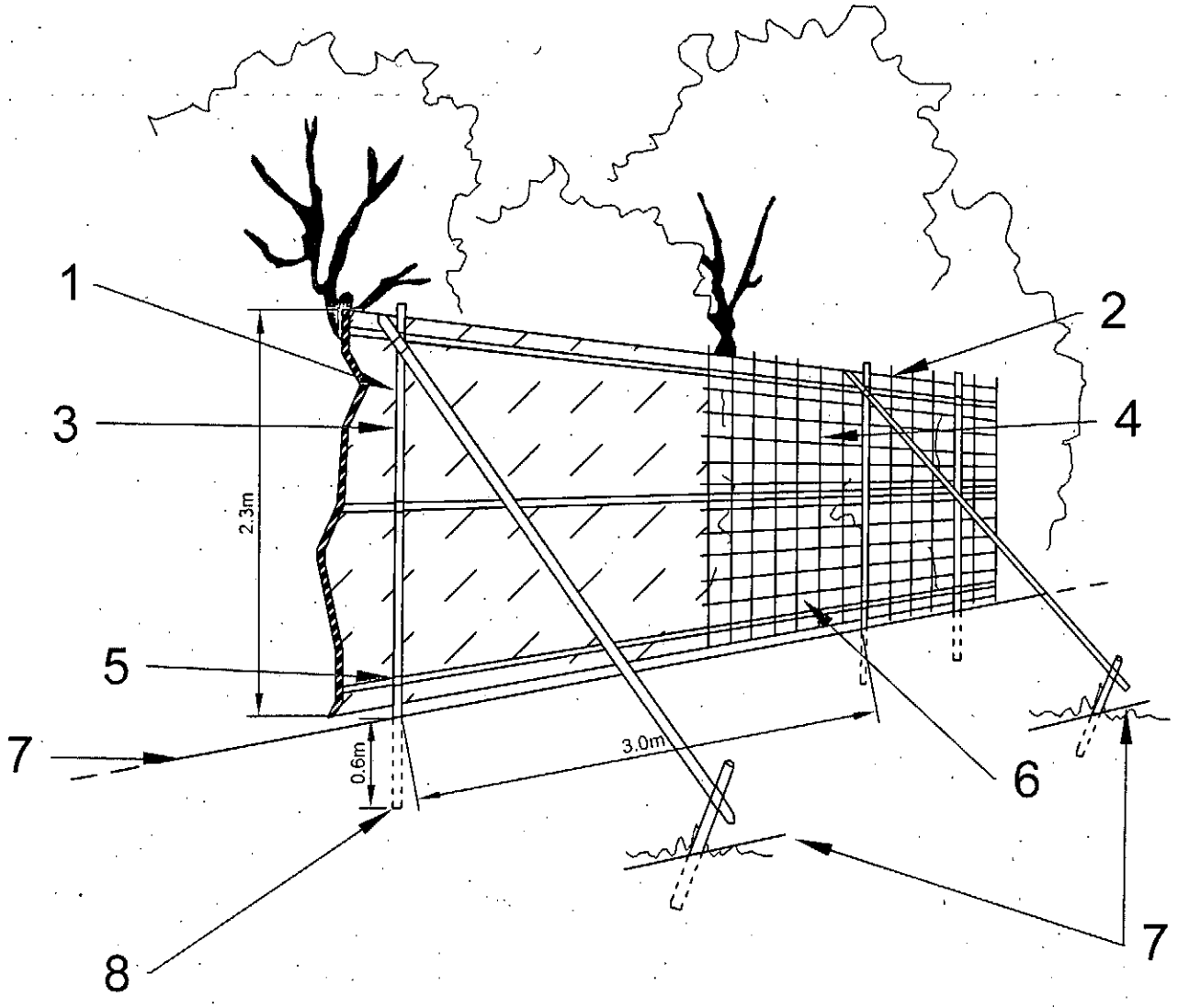
drawing number
4715-A-03

rev
-

CAD file J:\14\00\4715\Arb\TLQC Plan - Figure 2.dwg

PROTECTIVE FENCING SPECIFICATIONS

Based on BS5837 *Trees in Relation to Construction (2005) - Recommendations*



1. Standard scaffold poles.
2. Uprights to be driven into the ground.
3. Panels secured to uprights with wire ties and where necessary with standard scaffold clamps.
4. Weldmesh wired to the uprights and horizontals.
5. Standard clamps
6. Wire twisted and secured on the inside face of fencing to avoid easy dismantling.
7. Ground level
8. Approximately 0.6m driven into the ground.

NOTES

All dimensions to be verified on site. Do not scale this drawing.
All discrepancies to be clarified with project Arboriculturalist.

This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd.

rev	date	description	by

masterplanning
environmental assessment
landscape design
urban design
ecology
architecture
arboriculture

FPCR Environment and Design Ltd
Lockington Hall
Lockington
Derby DE74 2RH

t: 01509 672772
f: 01509 674565
e: mail@fpcr.co.uk
w: www.fpcr.co.uk

client
Astor Property Group

project
Land off Glossop Road
Gamesley, Derbyshire

drawing title
Protective Fencing Specifications
FIGURE 3

scale	drawn	date
Not to scale	Njg	August 2011

drawing number
4715-A-04

rev
-

CAD file: J:\4700\4715\Arb\Protective Fencing - figure 3.dwg

APPENDIX A

TREE SCHEDULE

Key:	Measurements	Age Class	Overall condition	BS 5837 2005: Cascade Chart for Quality Assessment/Retention Category	
	Height - Measured In metres	YNG - Young	G - Good	A - High	
	DBH - Stem Dia. at 1.5m above ground level measured in mm	SM - Semi-mature	F - Fair	B - Moderate	
	Crown - Crown spread measured radially from the main stem in metres	EM - Early Mature	P - Poor	C - Low	
		M - Mature	D - Dead	R - Trees for removal for reasons of safety i.e. dead or generally unsafe	
		OM - Over-mature		**Sub-Categories:** 1 - Mainly Arboricultural value 2 - Mainly Landscape value 3 - Mainly Cultural Value	
RPA - Root protection area (equivalent to a circle with a radius 12x the stem diameter for single trees and 10x the basal diameter for trees with more than one stem arising below 1.5m above ground level					

Tree No	Species	Height	DBH	Crown	Age Class	Overall Condition	Structural Defects	RPA m²	RPA radius (m)	BS:5837 Category
INDIVIDUAL TREES										
T1	English Oak *Quercus robur*	4	150	2	Yng	G	Specimen had three main leaders from 1m above ground level Situated adjacent to chainlink fence Crown had grown through the fence Broken branches and stubs were evident to the east	7.1	1.5	C (i)
T2	Ash *Fraxinus excelsior*	9	460	5 7 - W	M	P	Situated in fenceline with post either side of the main stem The base was swollen and numerous established basal suckers were present Evident within the crown was evidence of broken branches and some minor dead wood	95.7	5.5	B (i)
T3	Ash *Fraxinus excelsior*	8	480	5	M	F	Specimen was multi-leadered at 2m above ground level Some pruning wounds were noted on low branches over the road Evident within the crown was ivy to a height of 6m and some minor dead wood	104.2	5.8	B (i)
T4	Ash *Fraxinus excelsior*	5	est. 200	2	EM	P	Specimen was multi-leadered at 2m above ground level Some pruning wounds were noted on low branches over the road Evident within the crown was ivy to a height of 6m and some minor dead wood	12.6	2.0	C (i)
T5	Sycamore *Acer pseudoplatanus*	8	220	3	EM	F	Specimen was twin-stemmed from 1.5m above ground level The main stem was leaning slightly to the north Crown was one-sided to the north	15.2	2.2	C (i)
T5a	Sycamore *Acer pseudoplatanus*	7	170	3	EM	F	Specimen was twin-stemmed from 1.5m above ground level The main stem was leaning slightly to the north Crown was one-sided to the north	13.1	2.0	C (i)
T6	Sycamore *Acer pseudoplatanus*	15	540	6 4 - S 7 - N	M	F	Specimen had been crown lifted over the adjacent property Pruning wounds were noted on the lower branches and main stem Evident within the crown was minor dead wood	131.9	6.5	B (i)

Tree No	Species	Height	DBH	Crown	Age Class	Overall Condition	Structural Defects	RPA m²	RPA radius (m)	BS:5837 Category
T7	Sycamore *Acer pseudoplatanus*	14	550	6 4 - N	M	F	Specimen had been crown lifted over the adjacent property Pruning wounds were noted on the lower branches and main stem Evident within the crown was minor dead wood Barbed wire was occluded in the main stem	136.9	6.6	B (i)
T8	Sycamore *Acer pseudoplatanus*	12	450	6	M	G	Specimen displayed an even crown Occasional minor dead wood and branch stubs evident within crown Barbed wire was occluded in the main stem A lower branch is fused to the main stem at approx. 2m Located just offsite	91.6	5.4	B (i)
T9	Sycamore *Acer pseudoplatanus*	11	390	5	M	G	Specimen displayed an even crown Some basal suckering noted No obvious defects were evident	68.8	4.7	A (i)
T10	Ash *Fraxinus excelsior*	6	est. 300	3	EM	P	Specimen had three main leaders from 0.5m above ground level Situated on boundary line Pruning wounds and stubs present at base Specimen may have regrown from a stump Crown was uneven and sparse in appearance	28.3	3.0	C (i)
T11	Ash *Fraxinus excelsior*	5	est. 250	3	EM	P	Specimen was multi-leadered at 1m above ground level Some pruning wounds and branch stubs were noted throughout the crown Specimen appeared to have been topped on numerous occasions Located just offsite	19.6	2.5	C (i)
T12	Wild Cherry *Prunus avium*	5	350	2	M	P	Specimen was multi-stemmed at 2.5m above ground level Some pruning wounds and branch stubs were noted within the crown Specimen appeared to have been topped on numerous occasions Located just offsite	55.4	4.2	C (i)
T13	English Oak *Quercus robur*	9	est. 650	6 4 - N	M	G	Specimen was multi-stemmed at ground level Some pruning wounds, minor dead wood and branch stubs were noted to the north Located offsite by 1m	132.7	6.5	B (i)
T14	English Oak *Quercus robur*	5	est. 350	3	EM	G	Some pruning wounds, broken branches and branch stubs were noted to the west Located offsite by 1m	55.4	4.2	B (i)
T15	English Oak *Quercus robur*	6	est. 400	4	M	G	Specimen was multi-stemmed at ground level Some pruning wounds, minor dead wood and branch stubs were noted to the north Located offsite by 2m	50.3	4.0	B (i)

Tree No	Species	Height	DBH	Crown	Age Class	Overall Condition	Structural Defects	RPA m²	RPA radius (m)	BS:5837 Category
T16	Hawthorn *Crataegus monogyna*	3	est. 100	1.5	Yng	G	Young specimen situated on banking near southern boundary Specimen was multi-stemmed and displayed typical crown form	3.1	1.0	C (i)
T17	English Oak *Quercus robur*	3	est. 100	1.5	Yng	G	Young specimen situated on banking near southern boundary Specimen was single-stemmed and displayed typical crown form	4.5	1.2	C (i)
T18	Hawthorn *Crataegus monogyna*	3	est. 100	1	Yng	F	Basal suckers present Crown displayed pruning wounds and branch stubs Crown was one-sided to the east Situated adjacent to chain link fence	4.5	1.2	C (i)
GROUPS OF TREES										
TG1	4x Silver Birch *Betula pendula* 2x Apple *Malus sylvestris* 1x Purple Plum *Prunus pissardi* 1x Cherry *Prunus spp*	4 - 8	340	2 - 4	EM	F	Silver Birch were central specimens Shrubs were planted around the base Specimens mostly single-stemmed Evident within the crowns were pruning wounds, branch stubs and minor dead wood	52.3	4.1	B (ii)
TG2	4x Silver Birch *Betula pendula* 1x Goat Willow *Salix caprea*	5 - 8	300 650	3 - 5	EM	G	Silver Birch were central specimens Shrubs were planted around the base Specimens mostly single-stemmed Evident within the crowns were pruning wounds, branch stubs and minor dead wood	40.7 132.7	3.6 6.5	B (ii)
TG3	14x Goat Willow *Salix caprea* 3x Silver Birch *Betula pendula* Hawthorn *Crataegus monogyna*	5 - 7	300	1 - 3	EM	F	Group of self-set trees Goat Willow have been coppiced in the past Stools displayed pruning wounds and decay Many specimens close to or contacting the building Numerous saplings of ash and oak had established between the main trees	28.6	3.0	C (ii)
TG4	9x Lawson Cypress *Chamaecyparis lawsoniana* 1x Holly *Ilex aquifolium*	5	200	1	EM	F	Group formed dense hedgerow Lower crowns had been pruned back to main stems Located just offsite	18.1	2.4	C (ii)

Appendix B

Copy of Tree Preservation Order

TPO No.93, Trees at Glossop Road, Gamesley

DERBYSHIRE COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1962

CIVIC AMENITIES ACT, 1967

TREE PRESERVATION ORDER NO. 93

THE DERBYSHIRE COUNTY COUNCIL (in this Order called "the Authority") in pursuance of the powers conferred in that behalf of Section 29 of the Town and Country Planning Act, 1962, and subject to the provision of Section 15 of the Forestry Act, 1967, hereby make the following Order:-

1. In this Order -

"the Act" means the Town and Country Planning Act, 1962;
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and
"the Minister" means the Minister of Housing and Local Government.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto/~~on the map marked DERBYSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER NO. signed by the Clerk of the Authority and deposited for inspection at the~~

which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or, may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:-

(a) that the refusal or condition is in the interests of good forestry, or

(b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6. (1) Where consent is granted under this Order to fell any part of a woodland, other than consent for silvicultural thinning, then unless-

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(b) the authority with the approval of the Minister dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to -

(a) species;
(b) number of trees per acre;
(c) the erection and maintenance of fencing necessary for protection of the replanting;
(d) the preparation of ground, draining, removal of brushwood, lop and top; and
(e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of this Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority or a drainage board restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such bye-laws, and that any such condition or direction has effect subject to the requirements of the river authority or drainage board under those byelaws, and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of consent under this order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this order.

10. In assessing compensation payable under the last preceding Article account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 29 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, of where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 128 of the Act.

13. Any person contravening the provisions of this Order is guilty of an offence under Section 62(1) of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the

the Civic Amenities Act, 1967, it is hereby directed that the provisions of this Order shall take effect provisionally from the date of service thereof and continue in force for a period of six months beginning with the date on which the Order was made, or until the date on which the Minister confirms the Order or notifies the local planning authority that he does not propose to confirm it, whichever first occurs.

TREE PRESERVATION ORDER NO. 93

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(Encircled in black on the Map)

No. on Map	Description	Situation
T.1	Sycamore	O.S. Derbys. II.11 (1921) Pa 599 pt. Adjoining the south boundary of the grounds of t Magnet Hotel on the south ea side of Glossop Road, Gamesl
T.2	Sycamore	ditto
T.3	Sycamore	O.S. Derbys. II.11 (1921) On eastern side of the grounds the Magnet Hotel adjoining t private road from Glossop Ro Gamesley.
T.4	Sycamore	ditto
T.5	Sycamore	ditto
T.6	Sycamore	ditto

TREES SPECIFIED BY REFERENCE TO AN AREA

None

GROUPS OF TREES

None

WOODLANDS

None

SECOND SCHEDULE.

This Order shall not apply so as to require the consent of the authority to

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where

(a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme.

(3) the cutting down, topping or lopping of a tree

(a) which is dying or dead or has become dangerous;

(b) in compliance with an obligation imposed by or under an Act of Parliament;

(c) for the purpose of preventing or abating a nuisance;

(d) in pursuance of the power conferred on the Postmaster General by virtue of section 5 of the Telegraph (Construction) Act, 1908;

(e) by or at the request of

(i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line; or

(iii) a river authority established under the Water Resources Act 1963 or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930 where the tree interferes or would interfere with the exercise of any of the functions of such river authority or drainage board in relation to the maintenance improvement or construction of water courses or of drainage works;

(f) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;

(g) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

Provision of Part III of the Act as adapted and modified to apply to this Order.

Reference of applications to the Minister

22 - (1) The Minister may give directions to the authority requiring applications for consent under the Order, to be referred to him instead of being dealt with by the authority.

22 - (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

22 - (3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

22 - (4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Article 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

22 - (5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

22 - (6) The decision of the Minister on any application referred to him under this section shall be final.

Appeals against decisions.

23 - (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, may by notice under this section appeal to the Minister.

23 - (2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision or certificate, as the case may be, or such longer period as the Minister may allow.

23 - (4) Where an appeal is brought under this section from a decision or certificate of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate and may deal with the application as if it had been made to him in the first instance.

23 - (5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

23 - (7) The decision of the Minister on any appeal under this section shall be final.

Appeal in default of decision.

24. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

(a) give notice to the applicant of their decision on the application; or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of the Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

Power to revoke or modify the consent under the order.

27 - (1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on any application made under Article 3 of the Order, the authority may by order revoke or modify the consent to such extent as they consider expedient.

27 - (2) An order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

27 - (3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice on the owner of the land affected, and on any other person who in their opinion will be affected by the order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

27 - (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

27 - (5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

relation to tree preservation orders:-

Replacement of trees.

Section 13.- (1) If any tree in respect of which a tree preservation order is for the time being in force, other than a tree to which the order applies as part of a woodland, is removed or destroyed in contravention of the order or is removed or destroyed or dies at a time when its cutting down is authorised only by the provisions of section 29(7) of the Planning Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(3) The duty imposed by subsection (1) of this section on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 14 of this Act and not otherwise.

Default powers and appeals.

Section 14.- (1) If it appears to the local planning authority that the provisions of section 13 of this Act, or any conditions of a consent given under a tree preservation order which require the replacement of trees, are not complied with in the case of any tree or trees, that authority may, at any time within four years from the date of the alleged failure to comply with the said provisions or conditions, serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

(2) Subject to the following provisions of this section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on the ground-

(a) that the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with;

(b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein;

(c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;

(d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose;

and subsections (2) to (5) of section 46 and section 180 of the Planning Act (procedure and powers of Minister on appeal, and appeals to the High Court from decision of Minister) shall apply in relatin to any such appeal as they apply in relation to an appeal against an enforcement notice.

/continued ...

(4) In section 48 of the Planning Act (execution by local planning authority of works required by an enforcement notice) and in section 49 of that Act (supplementary provisions as to enforcement notices) and any regulations in force under that section, references to an enforcement notice and an enforcement notice served in respect of development shall include references to a notice under this section; and in relation to such a notice the reference in subsection (1) of the said section 49 to the person by whom the development was carried out shall be construed as a reference to any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

Penalties

Section 15.- (1) In relation to an offence of cutting down or wilfully destroying a tree, or of topping or lopping a tree in such a manner as to be likely to destroy it, being an offence committed after the commencement of this Act, section 62(1) of the Planning Act ..... shall have effect as if for the words "fifty pounds" there were substituted the words "two hundred and fifty pounds or twice the sum which appears to the court to be the value of the tree, whichever is the greater".

GIVEN under the Common Seal of
the Derbyshire COUNTY COUNCIL

the 27th day of
March in the year
nineteen hundred and sixty eight
in the presence of:-

[redacted]

Deputy Clerk of the COUNCIL

The Minister of Housing and Local Government in exercise of the powers conferred upon him in that behalf confirms the foregoing order.

In Witness whereof the Official Seal of the Minister of Housing and Local Government is hereunto affixed on 8th May 1968.

HLG 29261

L. M. EDYE
Authorised by the Minister

Dated.....27th...March.....1968.....

DERBYSHIRE COUNTY COUNCIL

55/463.

Town and Country Planning Act, 1962

TREE PRESERVATION ORDER

No.....93.....

CL1/93

RELATING TO

Trees at Glossop Road, Gramsley.

SEALING
8542
20/7/67
INL
R

DERBYSHIRE COUNTY COUNCIL

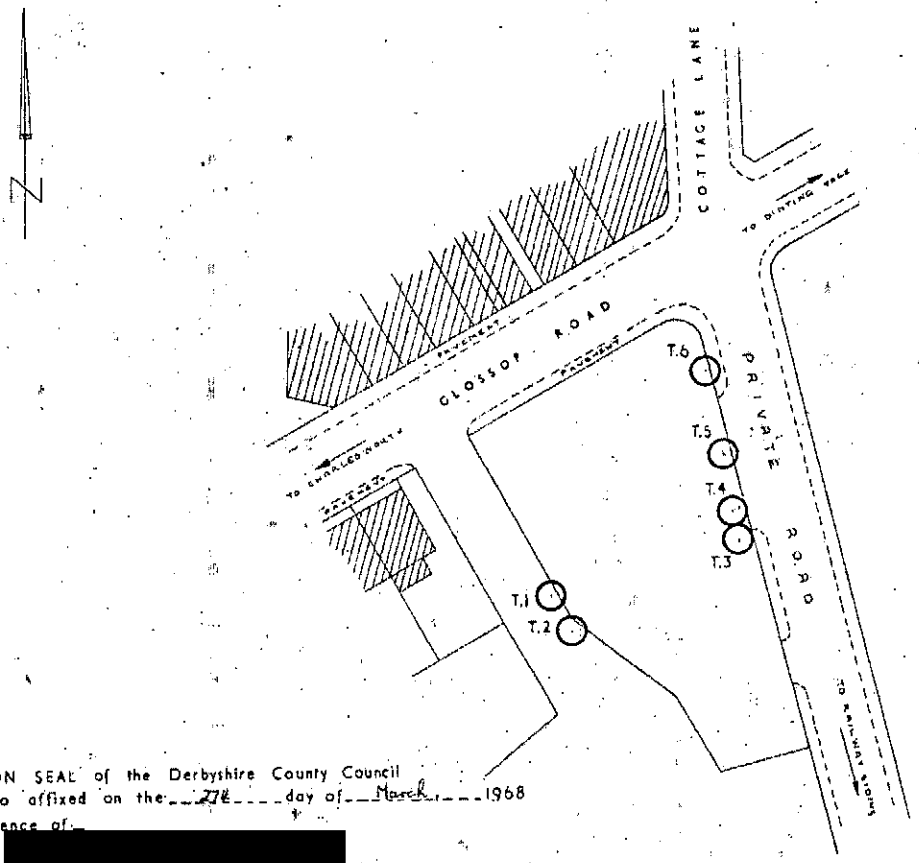
CIVIC AMENITIES ACT, 1967

TOWN & COUNTRY PLANNING ACT, 1962

TREE PRESERVATION ORDER No.93

TREES AT GLOSSOP ROAD, GAMESLEY

GLOSSOP MUNICIPAL BOROUGH



THE COMMON SEAL of the Derbyshire County Council was hereunto affixed on the 7th day of March 1968 in the presence of:

[redacted]

Dep

SCALE 1:500

A. LATHAM, M.T.P.I. A.R.I.C.S., A.M.I. Mun. E.
COUNTY PLANNING OFFICER